



City of Albuquerque

Legislative File Number O-06-10 (version 3)

CITY of ALBUQUERQUE SEVENTEENTH COUNCIL

F/S Amending ROA 1994, a Portion of the Home and Business Property Protection Ordinance, Regarding Eminent Domain Actions Initiated by the City, to Delete the Exception for Property that is Blighted or a Public Nuisance (Loy)

CITY of ALBUQUERQUE SEVENTEENTH COUNCIL

AMENDING SECTION 5-2-7(D) ROA 1994, A PORTION OF THE HOME AND BUSINESS PROPERTY PROTECTION ORDINANCE, REGARDING EMINENT DOMAIN ACTIONS INITIATED BY THE CITY, TO DELETE THE EXCEPTION FOR PROPERTY THAT IS BLIGHTED OR A PUBLIC NUISANCE.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. Section 5-2-7(D) ROA 1994 is amended to read as follows:

“(D) *Conditions for approval.* The Council shall not approve a taking of an occupied residence or property occupied by a business unless it first finds that the eminent domain action is for a public purpose as set forth in the State Metropolitan Redevelopment Code or the State Eminent Domain Code.”

Section 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any

provision being declared unconstitutional or otherwise invalid.

Section 3. COMPILATION. This ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

Section 4. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general summary.

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